

**E-Filing
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OCT 21 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendant Michael B. Kuimelis and
MBK Insurances Services, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EUGENE J. BURGER, et al.,

Plaintiffs,

vs.

MICHAEL B. KUIMELIS, et al.,

Defendants.

MBK INSURANCE SERVICES, et al.,

Counter-Complainants,

vs.

EUGENE BURGER, et al.,

Counter-Defendants.

No. C-02-2309 VRW

STIPULATION OF DISMISSAL

IT IS SO ORDERED

VAUGHN R. WALKER
UNITED STATES DISTRICT JUDGE

19 OCT 2005

DATE

IT IS HEREBY STIPULATED by and between the party signatories to this
Stipulation, individually and through their designated counsel, that the above-captioned

1 action, both the main action and the cross-complaints, are dismissed with prejudice
2 pursuant to FRCP 41(a)(1).
3

4 **Plaintiffs:**

5
6 DATED: September ___, 2005

EMBC, California
By: Eugene J. Burger, President

7
8
9 DATED: September ___, 2005

EMBC, Nevada
By: Eugene J. Burger, President

10
11
12 DATED: September ___, 2005

EMBC, Texas
By: Eugene J. Burger, President

13
14
15 DATED: September ___, 2005

Friandes, Inc. (Counter-Defendant)
By: Eugene J. Burger, President

16
17
18 DATED: September ___, 2005

Project Plaintiffs for which Eugene J. Burger
serves as General Partner (Griffin House,
Vacaville Park Apartments & Village
Gardens, Limited)
By: Eugene J. Burger, General Partner

19
20
21 DATED: September ___, 2005

Project Plaintiffs for which an EBMC entity
serves as General Partner
By: Eugene J. Burger, President, EBMC,
California; EBMC, Nevada & EBMC, Texas

1 DATED: September ___, 2005

2 _____
3 Project Plaintiffs for which an EBMC entity
4 serves as Management Agent
5 By: Eugene J. Burger, President, EBMC,
6 California; EBMC, Nevada & EBMC, Texas

7
8 **Counsel for the Plaintiffs:**

9 DATED: September ___, 2005

10 _____
11 Marcus S. Topel, Esq.
12 Counsel for Eugene J. Burger

13 DATED: September ___, 2005

14 _____
15 Daniel B. Beck, Esq.
16 Counsel for EBMC, California; EBMC,
17 Nevada & EBMC, Texas

18 DATED: September ___, 2005

19 _____
20 Marcus S. Topel, Esq.
21 Counsel for Friandes Group, Inc.
22 (Counter-Defendant)

23 DATED: September ___, 2005

24 _____
25 Marcus S. Topel, Esq.
26 Counsel for Project Plaintiffs Griffin House,
27 Vacaville Park Apartments and Village
28 Gardens, Limited

DATED: September ___, 2005

Daniel B. Beck, Esq.
Counsel for Project Plaintiffs for which an
EBMC entity serves as General Partner or
Management Agent

Defendants:

DATED: October __, 2005

MBK Insurance Services
By: Michael B. Kuimelis

DATED: October __, 2005

Michael B. Kuimelis

DATED: October __, 2005

Katie O'Leary

Counsel for Defendants:

DATED: October __, 2005

Matthew B. Pavone, Esq.
Counsel for MBK Insurance

DATED: October __, 2005

William L. Osterhoudt, Esq.
Counsel for Michael B. Kuimelis

DATED: October __, 2005

Mary McNamara, Esq.
Counsel for Katie O'Leary